

**PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

United States District Court District Middle District of Alabama

Name (under which you were convicted): Docket or Case No:

Carlos Raymond Williams CC-06-141

Place of Confinement: Prisoner No.:

Montgomery County Detention Facility #78702

Petitioner (include the name under which you were convicted) Respondent (authorized person having custody of petitioner)

Carlos Raymond Williams v. State of Alabama

The Attorney General of the State of Alabama, Honorable Troy King

PETITION

1. (a) Name and location of court which entered the judgment of conviction you are challenging: -Montgomery County Circuit Court, 251 S. Lawrence Street, Montgomery, AL 36104.

(b) Criminal docket or case number (if you know): CC-06-141

2. (a) Date of judgment of conviction (if you know): March 23, 2006.

(b) Date of sentencing: May 19, 2006.

3. Length of sentence: 15 years.

4. In this case, were you convicted on more than one count or of more than one crime? Yes ☐ No ☒

5. Identify all crimes of which you were convicted and sentenced in this case:
Unlawful Possession of Controlled Substance (Cocaine).

6. (a) What was your plea? (Check one)

(1) Not guilty ☒ (3) Nolo contendere (no contest) ☐

(2) Guilty ☐ (4) Insanity plea ☐

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead not guilty to? N/A

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury ☒ Judge only ☐

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes ☐ No ☒

8. Did you appeal from the judgment of conviction?

Yes ☒ No ☐

9. If you did appeal, answer the following:

(a) Name of court: Alabama Court of Criminal Appeals

(b) Docket or case number (if you know): CR-05-1585

(c) Result: Affirmed

(d) Date of result (if you know): The Alabama Court of Criminal Appeals first released a Memorandum Opinion on March 23, 2007. An application for rehearing was filed which the Alabama Court of Criminal Appeals overruled and withdrew and substituted their opinion on June 15, 2007.

(e) Citation to the case (if you know): -----

(f) Grounds raised: Insufficiency of evidence and improper admission of a non statutory conforming forensic certificate of analysis which was admitted over objection at the trial of this matter.

(g) Did you seek further review by a higher state court? Yes ☒ No ☐

If yes, answer the following:

(1) Name of court: Supreme Court of Alabama

(2) Docket or case number (if you know): 1061378

(3) Result: The Alabama Supreme Court ruled that the certificate of analysis admitted at trial was non-conforming with the governing statute, but found that it was harmless error.

(4) Date of result (if you know): November 16, 2007.

(5) Citation to the case (if you know): -----

(6) Grounds raised: Insufficiency of evidence and improper admission of a non statutory conforming forensic certificate of analysis which was admitted over objection at the trial of this matter.

(h) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If yes, answer the following:

(1) Docket or case number (if you know): -----

(2) Result: -----

(3) Date of result (if you know): -----

(4) Citation to the case (if you know): -----

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? Yes ☒ No ☐

11. If your answer to Question 10 was "Yes," give the following information:

(a)(1) Name of court: Alabama Supreme Court

(2) Docket or case number (if you know): 1061378

(3) Date of filing (if you know): November 30, 2007.

(4) Nature of proceeding: Application for Rehearing

(5) Grounds raised: The Petitioner alleged that the Supreme Court of Alabama misapprehended his argument in relation to the statute governing the admission of certificates of analysis offered in lieu of expert testimony (*Code of Alabama 1975 § 13A-12-212*).

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☒

(7) Result: Application for rehearing denied.

(8) Date of result (if you know): January 11, 2008.

(b) If you filed any second petition, application or motion give the same information: N/A

(1) Name of court: -----

(2) Docket or case number (if you know): -----

(3) Date of filing (if you know): -----

(4) Nature of proceeding: -----

(5) Grounds raised: -----

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☐

(7) Result: -----

(8) Date of result (if you know): -----

(c) If you filed any third petition, application, or motion, give the same information: N/A

(1) Name of court: -----

(2) Docket or case number (if you know): -----

(3) Date of filing (if you know): -----

(4) Nature of proceeding: -----

(5) Grounds raised: -----

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☐

(7) Result: -----

(8) Date of result (if you know): -----

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion? Yes

(1) First petition: Yes ☒ No ☐

(2) Second petition: Yes ☐ No ☐

(3) Third petition: Yes ☐ No ☐

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: Improper admission of a forensic certificate of analysis given in lieu of expert testimony to prove the putative controlled substance was in fact a controlled substance.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): At trial, the State introduced as an exhibit, a certificate of analysis which purported to evidence that the putative controlled substance was in fact a controlled substance. Trial counsel objected to its admission due to the fact it was not signed nor notarized as required by *Code of Alabama 1975 § 13A-12-212*. Trial counsel's objection

was overruled. No expert testimony was offered at trial to prove the putative controlled substance was in fact a controlled substance.

(b) If you did not exhaust your state remedies on Ground One, explain why: This ground was appealed all the way to the Alabama Supreme Court.

(c) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: -Motion for New Trial

Name and location of the court where the motion or petition was filed:
Montgomery County Circuit Court.

Docket or case number (if you know): CC-06-141

Date of the court's decision: July 24, 2006.

Result (attach a copy of the court's opinion or order, if available): Denied.

(3) Did you receive a hearing on your motion or petition? Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?
Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: -----

Docket or case number (if you know): -----

Date of the court's decision: -----

Result (attach a copy of the court's opinion or order, if available): ----

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: Rather than appeal the denial of a motion for new trial, the entire case was appealed on the same grounds raised in the Motion for New Trial.

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: None

GROUND TWO: Insufficient evidence to sustain conviction.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): Due to the fact the certificate of analysis introduced in lieu of expert testimony to prove the putative controlled substance was in fact a controlled substance was deficient and improperly admitted, there was no other evidence or testimony from which the State could prove the substance was in fact cocaine. **Code of Alabama 1975 § 13A-12-212** clearly states what a certificate of analysis must contain to be admissible. The Petitioner believes that for the State of Alabama to convict him of Unlawful Possession of a Controlled Substance, one of the elements the State had to prove is that in fact the putative controlled substance was in fact a controlled substance.

(b) If you did not exhaust your state remedies on Ground Two, explain why:
They were exhausted and appealed all the way to the Alabama Supreme Court.

(c) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes [x] No []

(2) If you did not raise this issue in your direct appeal, explain why:

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Motion for a New Trial

Name and location of the court where the motion or petition was filed:
Montgomery County Circuit Court

Docket or case number (if you know): CC-06-141

Date of the court's decision: July 24, 2006.

Result (attach a copy of the court's opinion or order, if available): Denied

(3) Did you receive a hearing on your motion or petition? Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?
Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: -----

Docket or case number (if you know): -----

Date of the court's decision: -----

Result (attach a copy of the court's opinion or order, if available): ----

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: Rather than appeal the denial of a motion for new trial, the entire case was appealed on the same grounds raised in the Motion for New Trial.

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: -----

GROUND THREE: N/A-----

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.): -----

(b) If you did not exhaust your state remedies on Ground Three, explain why: -----

(c) Direct Appeal of Ground Three:

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: -----

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☐ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: -----

Name and location of the court where the motion or petition was filed: -----

Docket or case number (if you know): -----

Date of the court's decision: -----

Result (attach a copy of the court's opinion or order, if available): ----

(3) Did you receive a hearing on your motion or petition? Yes ☐ No ☐

(4) Did you appeal from the denial of your motion or petition?
Yes ☐ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue
in the appeal? Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: -----

Docket or case number (if you know): -----

Date of the court's decision: -----

Result (attach a copy of the court's opinion or order, if available): ----

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain
why you did not raise this issue: -----

(e) Other Remedies: Describe any other procedures (such as habeas corpus,
administrative remedies, etc.) that you have used to exhaust your state
remedies on Ground Three: -----

GROUND FOUR: N/A

(a) Supporting facts (Do not argue or cite law. Just state the specific facts

that support your claim.): -----

(b) If you did not exhaust your state remedies on Ground Three, explain why:

(c) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue? Yes ☐ No ☐

(2) If you did not raise this issue in your direct appeal, explain why:

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☐ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: -----

Name and location of the court where the motion or petition was filed:

Docket or case number (if you know): -----

Date of the court's decision: -----

Result (attach a copy of the court's opinion or order, if available): ----

(3) Did you receive a hearing on your motion or petition? Yes ☐ No ☐

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? Yes ☐ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: -----

Docket or case number (if you know): -----

Date of the court's decision: -----

Result (attach a copy of the court's opinion or order, if available): ----

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: -----

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: -----

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction?

Yes ☒ No ☐

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: -----

(b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not

been presented, and state your reasons for not presenting them:

All grounds have been previously presented.

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available. -----

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? Yes ☐ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised. -----

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: Honorable Benjamin Pool, PO Box 2247, Montgomery, AL 36103.

(b) At arraignment and plea: Honorable Jerry Blevins, 2800 Zelda Road, Montgomery AL 36106.

(c) At trial: Honorable Jerry Blevins, 2800 Zelda Road, Montgomery AL 36106.

(d) At sentencing: Honorable Jerry Blevins, 2800 Zelda Road, Montgomery AL 36106.

(e) On appeal: Robert Troy Teague, 906 South Perry St., Suite 201, Montgomery, AL 36104.

(f) In any post-conviction proceeding: Robert Troy Teague, 906 South Perry St., Suite 201, Montgomery, AL 36104.

(g) On appeal from any ruling against you in a post-conviction proceeding: N/A

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future: -----

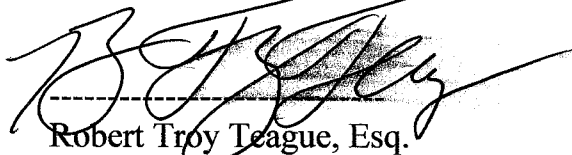
(b) Give the date the other sentence was imposed: -----

(c) Give the length of the other sentence: -----

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes ☐ No ☐

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.* -----
Petitioner has had his case under constant appeal and believes this petition is timely filed.

Therefore, petitioner asks that the Court grant the following relief: The Petitioner beseeches this Court to review his case, and issue an order that his conviction is to be overturned. The Petitioner seeks an order from this Court that he is being held unlawfully and is due to be released forthwith, the Petitioner seeks any and all other relief available to him under the laws and constitution of the Great State of Alabama and of the United States of America; or any other relief to which petitioner may be entitled.



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I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on 4-1-08.

Executed (signed) on 3-28-08 (date).

Carlos R. Williams

Signature of Petitioner

DUPLICATE

Court Name: U S DISTRICT COURT - AL/M
Division: 2
Receipt Number: 4602004500
Cashier ID: brobinso
Transaction Date: 04/01/2008
Payer Name: ROBERT TROY TEAGUE

WRIT OF HABEAS CORPUS
For: ROBERT TROY TEAGUE
Case/Party: D-ALM-2-08-CV-000242-001
Amount: \$5.00

CHECK
Check/Money Order Num: 1548
Amt Tendered: \$5.00

Total Due: \$5.00
Total Tendered: \$5.00
Change Amt: \$0.00

Williams v. State of
Ala et al